

REMARKS/ARGUMENTS

Claims 1, 6-16, 19-28, and 35-37 are active in this application.

Non-elected species are retained for reconsideration.

Applicant thank the Examiner for withdrawing the previous rejections and expanding the scope of consideration to non-elected subject matter.

The rejection under 35 USC 112, second paragraph pertaining to the phrase “pharmaceutically active derivatives” is no longer applicable as that phrase has been deleted from the claims.

The rejection under 35 USC 103(a) citing the publication of Prabhakar et al and compound 14 on page 2727 is respectfully traversed.

The Examiner finds that Prabhakar describes compound 14 with reported reduced inflammation in Table 1 on page 2729 and with the selection of certain variables within the definition of formula (I) in the claims, the sole difference is a methyl in compound 14 compared to a hydrogen in the claims (see also page 5 of the Official Action). While Applicants disagree with the conclusion of obviousness, the rejection is nonetheless germane to the claims as presented in this paper. That is, compound 14 includes a carbocyclic group in the position corresponding to the “A” substituent in the claimed compounds. This “A” substituent is defined as a 5-8 membered heterocyclic group.

Accordingly, there is more than a H to methyl change and as such no *prima facie* case of obviousness exists. Withdrawal of the rejection is requested.

Should the Examiner have any questions or wish to discuss any aspect of this application, he is invited to contact the undersigned at the number listed below.

Application No. 10/520,621
Reply to Office Action of January 29, 2010

A Notice of Allowance is requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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